



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 17-JUN-2021
 ORM Number: LRP-2020-00022
 Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
 Review Area Location¹:
 State/Territory: OH City: County/Parish/Borough: Mahoning County
 Center Coordinates of Review Area: Latitude 40.978381 Longitude -80.938118

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
2020-22 D2 (UNT Mill Creek)	64 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	
2020-22 D4 (UNT Mill Creek)	306 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
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¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide and included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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N/A	N/A	N/A	N/A
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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
2020-22 W1 (PEM/PFO)	0.2 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	
2020-22 W2 (PEM/PSS)	0.03 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	
2020-22 W3 (PEM)	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
2020-22 D1 (UNT Mill Creek)	9 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	
2020-22 D3 (UNT Mill Creek)	8 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: *The Lamparty Property, Aquatic Resource Delineation Report, 23 March 2021*
This information is sufficient for purposes of this AJD.
Rationale: *N/A*
- Data sheets prepared by the Corps: *N/A*
- Photographs: *The Lamparty Property, Aquatic Resource Delineation Report, 23 March 2021 and Corps Site Visit Photos*
- Corps Site visit(s) conducted on: *15 January 2020 and 6 August 2020*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: *N/A*
- USDA NRCS Soil Survey: *The Lamparty Property, Aquatic Resource Delineation Report, 23 March 2021*
- USFWS NWI maps: *The Lamparty Property, Aquatic Resource Delineation Report, 23 March 2021*
- USGS topographic maps: *The Lamparty Property, Aquatic Resource Delineation Report, 23 March 2021*

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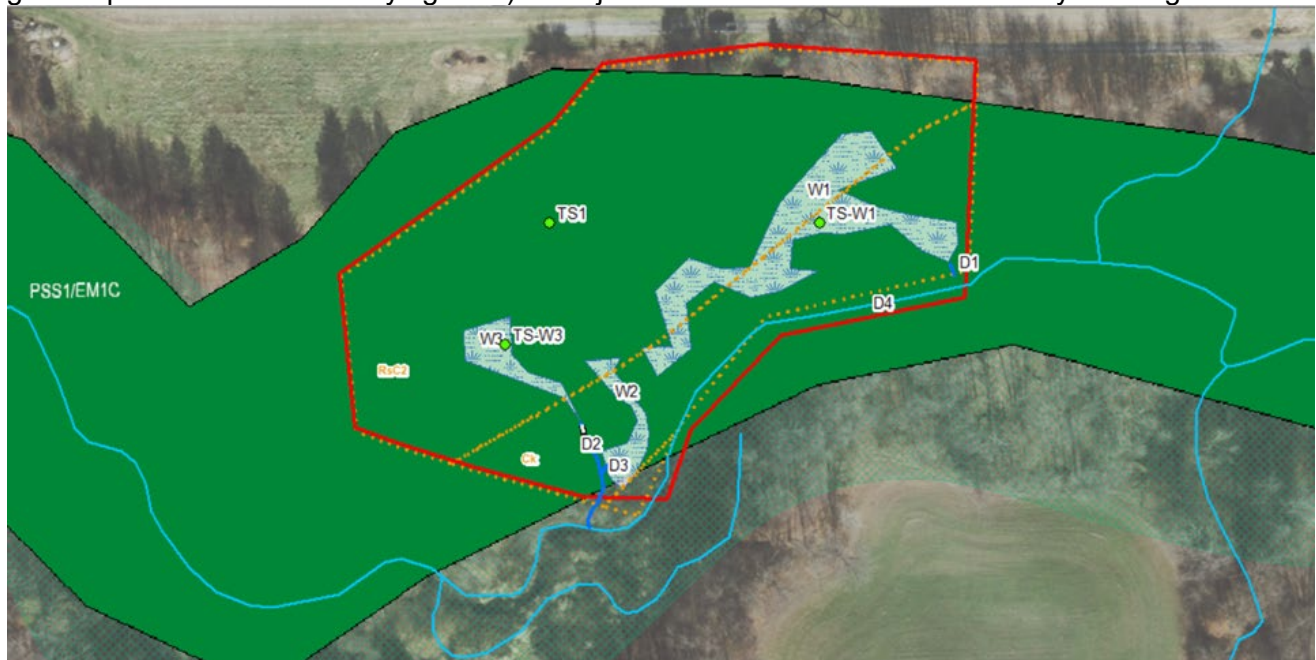
Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD:

Determination that the wetlands (W1 and W2) on the Lamparty site do get inundated by flooding from a jurisdictional water in a typical year is based on the NWI mapping and also being that the wetlands are in a low lying area within 15-30 feet of a perennial stream (D4, UNT Mill Creek) that has a watershed over 1 sq mile. Even without the small drainage channels (D1 and D3) connecting the wetlands to the stream, these wetlands appear to be in close enough proximity to the stream (and in a geomorphic location - ie low lying area) to be jurisdictional based on inundation by flooding.



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